THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION N0.105 OF 2006

Dated: 03-01-2006

Between

K. Venkateswarlu, S/o. Ramulu,

R/o. Mandapakala Village, Koduru

Mandal, Krishna District.

...PETITIONER

AND

Government of Andhra Pradesh,

Rep. by its Secretary, Irrigation

Department, Secretariat, Hyderabad

and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in including the names of the dead persons, names of some persons at two places as also of ineligible persons not possessing any land in the voters list of Water Users' Association, Mandapakala, Koduru Mandal, Krishna District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is a member of the Water

Users' Association, Mandapakala, Koduru Mandal, Krishna District. As the term of the present committee of the association expired, fresh elections have to be conducted for the society under the relevant provisions of the Andhra Pradesh Farmers Management of Irrigation Systems Act, 1977 (for short 'the Act').

The learned counsel further submits that for the purpose of conducting elections the third respondent issued notification notifying the area of operation on 20.12.2005 and the said notification to which the voters' list was appended, was displayed on the notice board of the Mandapakala Gram Panchayat on 26.12.2005. The petitioner submitted a representation on 29.12.2005 to the third respondent bringing to his notice several irregularities committed in preparing the voters list wherein the names of the dead persons, names of same persons at two places and names of ineligible persons have been published. But the said representation has not been considered and the irregularities have not been removed.

Learned Government Pleader appearing for the respondents submits that the voters list was published on 06.12.2005 calling for objections before 20.12.2005. Admittedly the petitioner has not filed any objections within the prescribed time and therefore, the final voters list was published on 20.12.2005. It is further stated that the representation of the petitioner dated 29.12.2005 is way beyond the prescribed time and after the publication of the final voters list.

Whether the voters list has been published on 06.12.2005 calling for objections or not and whether the final voters list was published on 20.12.2005 or not are disputed questions of fact, which cannot be entertained in a writ petition. However, there is an effective alternative remedy available to the petitioner under the Andhra Pradesh Farmers' Management of Irrigation Systems (Conduct of Elections) Rules, 2003. If the petitioner is aggrieved by any irregularity in the preparation of the voters list it is always open for the petitioner to file an election petition.

As the election disputes cannot be resolved in the writ petition, the writ petition is accordingly dismissed with a liberty to the petitioner to file an election petition.

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V. ESWARAIAH, J

January 3, 2006

Note: Furnish C.C. of the order by 04.01.2006
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